



Interoffice Memorandum

May 10, 2022

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development  
Services Department

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager**  
**Environmental Protection Division**  
**(407) 836-1406**

SUBJECT: June 21, 2022 – Public Hearing  
After-the-Fact Shoreline Alteration/Dredge and Fill Permit  
Application for Shaun Murray (SADF-22-02-004)

The applicant, Shaun Murray, is requesting an After-the-Fact Shoreline Alteration/Dredge and Fill (SADF) permit to authorize 150 feet of riprap along the shoreline of Lake Whippoorwill. The property is located at 12310 Kirby Smith Road, Orlando, FL 32832 (Parcel ID 20-24-31-0000-00-036) in District 4.

On January 14, 2022, Environmental Protection Division (EPD) staff conducted a routine site inspection for the applicant's dock application (#BD-22-01-006). During the inspection, staff observed a boat ramp and riprap along the shoreline of the subject property. EPD conducted a file review to determine if permits had been obtained for these structures. Based on historic aerials, EPD staff determined that the boat ramp was constructed sometime before 1987. The boat ramp regulations came into effect in 1993; therefore, EPD has determined that the boat ramp is grandfathered. Regarding the riprap, it appears to have been installed sometime between 2001 and 2002, prior to the applicant's ownership. No permit was found for installation of the riprap. Due to the applicant's willingness to bring the property into compliance by submitting an After-the-Fact SADF permit application, the age of the riprap, and the relatively minor environmental impact, EPD did not open a formal enforcement case or assess a penalty.

There are no seawalls or riprap on either of the adjacent properties, but there are seawalls on several other properties on Lake Whippoorwill. The applicant is not proposing any changes to the existing riprap revetment; however, the applicant will install native plantings waterward of the riprap, which is typically required based on prior Board direction.

In accordance with Orange County Code, Chapter 15, Article VI, Section 15-218(d), notification of the public hearing was sent to property owners within 500 feet of the project site. No objections were received.

Pursuant to Orange County Code, Chapter 15, Article VI, EPD staff has evaluated the proposed SADF application and required documents and has made a finding that the request is consistent with Section 15-218.

**Staff Recommendation**

Approval of the SADF permit, subject to the following conditions:

**Specific Conditions:**

1. This permit shall become final and effective upon expiration of the 30-calendar-day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until all appeals are resolved.
2. The previously installed riprap shall remain in place in accordance with the 'Murray Riprap Site Plan', signed and sealed by Darcy Unroe, P.E., received by the Environmental Protection Division (EPD) on March 24, 2022.
3. Installation of plantings must be initiated within 30 days and be completed within 60 days of permit issuance in accordance with the 'Murray Riprap Site Plan' received by EPD on March 24, 2022. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
4. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of 64.64 feet (NAVD 88) above mean sea level for Lake Whippoorwill, not to exceed 30 feet in width, of sufficient length waterward from the shoreline to allow access to open water. Any existing or future structures, such as a boat dock, must be located within this corridor.
5. This permit does not authorize any dredging or filling except that which has already occurred with installation of the riprap as depicted on the plans.
6. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.

**General Conditions:**

7. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and the approved drawings, plans, and other documents attached hereto or on file with EPD.
8. The permittee binds themselves and any successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permittee and/or agent promptly thereafter.

9. The Orange County Zoning Division (OCZD) may need to review the certified site plans. For further information, please contact the OCZD at (407) 836-5525.
10. The certified site plans may need to be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a building permit. For further information, please contact the OCBSD at (407) 836-5550.
11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or remove the offending structure or encroachment within 60 days from the date of adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
12. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property rights, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code.
13. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
14. The permittee is hereby advised that Section 253.77 Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
15. Should any other regulatory agency require changes to the property or permitted activities, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
17. EPD staff shall have permission to enter the site at any reasonable time to inspect the property for conformity with the plans and specifications approved by the permit.

18. The permittee shall hold and save the County harmless from all damages, claims or liabilities, which may arise because of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
20. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
21. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters may occur due to the permitted activity. If site specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
22. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the permittee to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the permittee fail to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.
23. Pursuant to Section 125.022 FS, the permittee shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

**ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-22-02-004 for Shaun Murray, subject to the conditions listed in the staff report. District 4**

DDJ/JW: jk

Attachments

# Shoreline Alteration/Dredge and Fill Permit Request

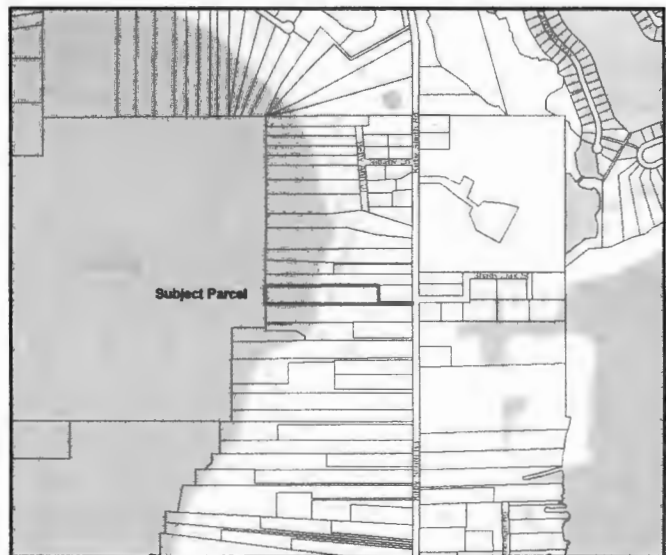


**Shoreline Alteration/Dredge and Fill  
Permit Request  
SADF-22-02-004  
District #4**

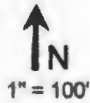
**Applicant: Shaun Murray  
Address: 12310 Kirby Smith Road  
Parcel ID No.: 20-24-31-0000-00-036**

**Project Site**

**Property Location**



MURRAY RIPRAP SITE PLAN  
 12310 KIRBY SMITH ROAD  
 ORLANDO, FL 32832



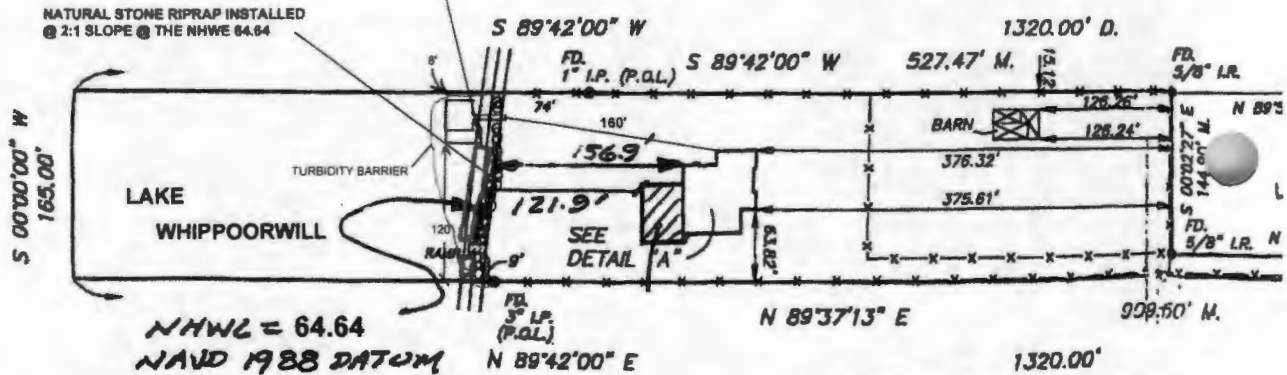
received  
 3/24/2022



Unroe Engineering, Inc  
 Civil Engineering/Planning/Scientific Evaluations  
 PO Box 690942, Orlando, Florida 32869  
 Ph (407) 299-0650 < Darcy@UnroeEngineering.com

A COMBINATION OF DUCK POTATO,  
 PICKERELWEED, CANNA FLACCIDA  
 & BLUE IRIS WILL BE PLANTED ON  
 2' CENTERS IN THE AREAS NOTED  
 TO ACHIEVE 80% DENSITY

This item has been electronically signed and sealed by  
 Darcy Unroe, PE 60929 on the date indicated using a  
 Digital Signature  
 Printed copies of this document are not considered signed  
 and sealed and the signature must be verified on any  
 electronic copy.



THIS IS TO CERTIFY THE LOCATION OF THE  
 NHWL WAS LOCATED ON 10-6-2014 USING ORANGE  
 COUNTY BENCH MARK C-1134031 NAVD 1988 DATUM  
 TO DETERMINE THE NHWL IN RELATION TO THE  
 EXISTING BUILDINGS AND PROPOSED RESIDENCE'S POOL



Darcy Unroe  
 c=US, st=Florida,  
 l=Orlando, o=Unroe  
 Engineering, Inc., cn=Darcy  
 Unroe,  
 email=Darcy@unroeengine  
 ering.com  
 2022.03.24 13:05:20 -04'00'



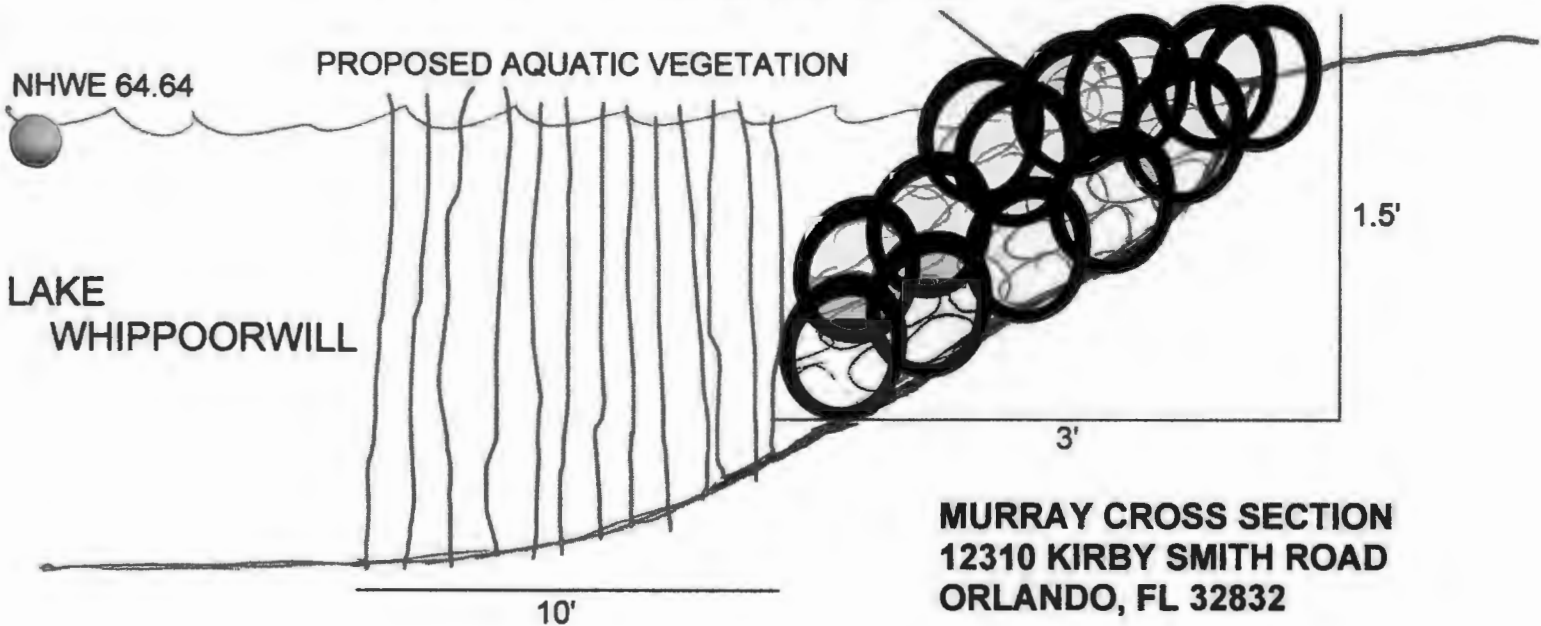
**Unroe Engineering, Inc**  
Civil Engineering/Planning/Scientific Evaluations  
PO Box 690942, Orlando, Florida 32869  
Ph (407) 299-0650 < Darcy@UnroeEngineering.com

**received**  
**3/24/2022**



Darcy Unroe  
c=US, st=Florida,  
l=Orlando,  
o=Unroe  
Engineering, Inc.,  
cn=Darcy Unroe,  
email=Darcy@unro  
engineering.com  
2022.03.24  
13:06:00 -04'00'

**3' X 150' NATURAL STONE >12" DIAMETER RIP-RAP  
REVTMENT INSTALLED @ THE NHWE @ A 2:1 SLOPE**



**MURRAY CROSS SECTION  
12310 KIRBY SMITH ROAD  
ORLANDO, FL 32832**

This item has been electronically signed and sealed by  
Darcy Unroe, PE 60929 on the date indicated using a  
Digital Signature  
Printed copies of this document are not considered signed  
and sealed and the signature must be verified on any  
electronic copy





